



02-15-02 A

Patent  
Attorney Docket: 267/173

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 267/173  
First Named Inventor: Elaine Weidenhammer  
Prior Application Information:  
Serial No. 09/710,200  
Examiner: Jeffrey Siew  
Art Unit: 1656

Commissioner for Patents  
Box PATENT APPLICATION  
Washington, DC 20231

JC997 U.S. PTO 10/07/5579  
02/12/02

## FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

continuation       divisional       continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/710,200 filed on November 9, 2000, by

Elaine Weidenhammer et al., entitled:

**IMPROVED METHODS FOR GENE EXPRESSION MONITORING ON  
ELECTRONIC MICROARRAYS**

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**I. APPLICATION ELEMENTS ENCLOSED**

36 Page(s) of Written Description

10 Page(s) of Claims

1 Page(s) of Abstract

8 Sheet(s) of Drawings       formal       informal

2 Page(s) of  Declaration or  Declaration and Power of Attorney

Copy from prior application [37 CFR §1.63(d)]

Newly executed

Assignment papers (cover sheet and documents(s))

An Information Disclosure Statement, PTO 1449,  with copies of cited items.

OC-92398.1

**CERTIFICATE OF MAILING (37 C.F.R. §1.10)**

I hereby certify that I have a reasonable basis to expect that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as 'Express Mail - Post Office To Addressee' in an envelope addressed to Commissioner for Patents, Washington, DC 20231.

Express Mail Label No.: EL622500755US  
Date of Deposit: February 12, 2002

Micheal A. Smith

**VI. AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The Commissioner is hereby authorized to credit Lyon & Lyon's Deposit Account No. **12-2475** for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **12-2475**:

- 37 CFR § 1.16 (Filing fees and excess claims fees)
- 37 CFR § 1.17 (Application processing fees)
- 37 CFR § 1.21 (Assignment recordation fees)

**VII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS**

- The power appears in the original papers in the prior application.

Please send all correspondence to Customer Number 22249:



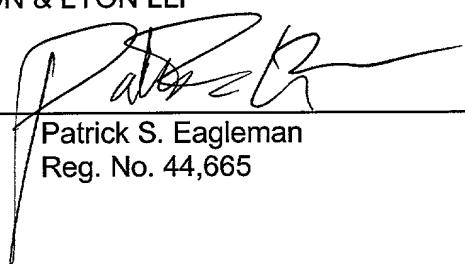
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Please direct all inquiries to Patrick S. Eagleman, at the above Customer Number.

Respectfully submitted,

LYON & LYON LLP

By:

  
Patrick S. Eagleman  
Reg. No. 44,665

Dated: February 12, 2002

Enclosures

Nanogen, Inc.

Name of Assignee

10398 Pacific Center Court, San Diego, California 92121

Address of Assignee

Vice President, General Counsel, and Secretary

Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on May 11, 2001, Reel 011810, Frame 0769